

REFERENDUM PETITION PROCESS



Prepared by the Kern County Elections Division

The referendum process provides citizens with a vehicle to refer an ordinance passed by the Kern County Board of Supervisor to the vote of the people. The very nature of the referendum process is that it must be accomplished in a very condensed timeframe. Therefore, there are no requirements for proponents to file notices, or publish intent, or obtain any document or input from the elections official or government official. It is truly a process of the people.

The following information is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. Persons using the information must bear full responsibility to make their own determinations as to all legal standards and duties.

It is recommended that you contact private legal counsel to advise you of the legal requirements of the referendum process. The Kern County Elections Division cannot give legal advice or interpretations of law.

All references are to the California Elections Code unless otherwise noted. Refer to Elections Code (EC) sections 9100 through 9126, 9160 through 9190, 9600 through 9610 and others as listed.

May 2019

This Document is subject to change without notice.

CONTACT INFORMATION

Place of filing the protest petitions:

Kern County Administrative Center
c/o Clerk of the Board of Supervisors
1115 Truxtun Ave., 5th Floor
Bakersfield, CA 93301

661-868-3585

Clerk of the Board

Kathleen Krause

KERN COUNTY ELECTIONS DIVISION

1115 Truxtun Avenue, 1st Floor,
Bakersfield, CA 93301

General Information

661-868-3590 or 1-800-452-8683

Fax – General

661-868-3768

Website

www.kernvote.com

ORDINANCES SHALL TAKE EFFECT AFTER THE DATE OF FINAL PASSAGE

The following ordinances shall take effect immediately:

- 1) Ordinances calling or relating to an election;
- 2) Ordinances specifically required by law to take immediate effect;
- 3) Ordinances fixing the amount of money to be raised by taxation or the rate of taxes to be levied;
- 4) Ordinances for the immediate preservation of the public peace, health, or safety. The ordinances referred to in this subdivision shall contain a declaration of the facts constituting the necessity and shall be passed by a four-fifths vote of the Board of Supervisor. (§9141(a))

All other ordinances, including ordinances granting a franchise, shall become effective **30 days** from and after the date of final passage. (§9141)

Ordinances authorizing the issuance of revenue bonds by a county as part of a joint powers entity pursuant to Section 6547 of the Government code shall not take effect for 60 days. (§9142(a))

Ordinances that change the salaries for members of the Board of Supervisors shall become effective 60 days from the date of its final passage. (§9143)

PROTEST PETITIONS

If, prior to the effective date of an ordinance, a petition signed by the required number of voters is filed with the Board of Supervisors, the ordinance shall be suspended, and the supervisors shall reconsider the ordinance. (§9144)

The provisions of this code relating to the form of petitions, when an ordinance is proposed by initiative petition, govern the procedure on ordinances against which a protest is filed. (§9146)

Proponents Shall Design the Petition:

- A. The heading of a proposed referendum measure shall be in substantially the following form:

**Referendum Against an Ordinance Passed
By the Kern County Board of Supervisors**

It is suggested to use 12-point type. (§9147)

- B. Each section of the referendum petition shall contain the title (it is suggested to use 12-point type) and text of the Ordinance (it is suggested to use 8-point type) or the portion of the Ordinance which is the subject of the referendum. (§9147)
- C. The petition design shall adhere to the requirements of Elections Code sections 100, and 101.
- D. A Declaration of Circulator as required by Elections Code 104 shall be attached to each petition section.

**The format does not have to be approved prior to circulation, however,
noncompliance with the governing laws could result in court challenge after filing.
It is recommended that legal counsel be consulted.**

Petition Signature Section: The petition sections shall be designed so that each signer shall personally affix all of the following. Refer to EC 100, 100.5, 101:

- A. His or her printed name;
- B. His or her signature;
- C. His or her residence address, giving street and number, post office boxes are not allowed;
- D. The name of his or her incorporated city or unincorporated community.

Only a person who is a qualified registered voter at the time of signing the petition is entitled to sign it. (§100)

Circulators:

A person who is 18 years of age may circulate. (§§102, 104)

Each section of the petition shall have attached a declaration signed by the circulator of the petition setting forth the following: (§§104, 9109)

- A. The printed name of the circulator.
- B. The residence address of the circulator, giving street and number, or if no street and number exists, adequate designation of residence so that the location may be readily ascertained.
- C. The dates between which all the signatures to the petition were obtained.
- D. That the circulator circulated that section and witnessed the appended signatures being written.
- E. That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- F. The circulator shall certify the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial, and last name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

Number of Valid Signatures: The petition shall be signed by voters of the county equal in number to at least 10 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election. (§9144)

Total of all votes cast for Governor in Kern County at the Gubernatorial General Election 11/6/18: **203,377**

10% of 203,377 = **20,338 valid signatures.**

Filing Protest Petition:

- A. The proponent(s) or person(s) authorized in writing by the proponent(s) shall file all sections of the petition at one time. (§9113)
- B. Petitions must be presented to the Board prior to the effective date of the ordinance. (§9144)
- C. Place of filing the protest petitions:

Kern County Administrative Center
c/o Clerk of the Board of Supervisors
1115 Truxtun Ave., 5th Floor
Bakersfield, CA 93301

- D. At the time of filing the Clerk of the Board will count the number of petition pages and provide a receipt to the proponent(s). this count will be in full view of the proponent(s) that are present.

Signature Verification & Certification:

Examination of Signatures - review Elections Code sections 9114 and 9115 for the number of days allowed for the examination of signatures prior to certifying results to Board of Supervisors.

If the petition is found sufficient, the Elections Division will submit to the Board of Supervisors an item for the board agenda at the next possible meeting. (Note the cutoff to put something on the agenda is two Fridays prior to Board date.) (§§9146, 105)

Board of Supervisors Actions:

If the petition is found insufficient, no action shall be taken.

If the petition is found to be sufficient, the Board of Supervisors shall either:

- 1) Entirely repeal the ordinance.
- 2) Submit the ordinance to the voters either at a special election called for that purpose or the next regularly scheduled county election occurring not less than 88 days after the date of the order.

If a special election is called, it may be held on any Tuesday, as long as it is not the day before, of, or after a state holiday.

The ordinance shall not become effective unless and until a majority of the voters voting on it vote in favor of it. If approved the ordinance shall be considered adopted on the date the vote is declared by the Board of Supervisors and shall go into effect 10 days after that date. (§§9146, 9144, 9145 and 9122)

Arguments:

Written argument not exceeding **300 words** may be filed for or against any county measure. (§9162)

A ballot argument will not be accepted unless it is accompanied by the name or names of the person or persons submitting it, or, if submitted on behalf of an organization, the “Bona Fide Association of Citizens Data Sheet” to be completed and submitted with the ballot argument. The form can be obtained at the Elections Division. (§§9166, 9164)

No more than five signatures shall appear with any argument submitted for filing. If any argument is signed by more than five persons, the signatures of the first five will be printed. (§9164)

All arguments concerning measures filed pursuant to Division 9 of the Elections Code shall be accompanied by the “Statement That Argument is True and Correct”, form can be obtained from the Elections Division. (§9600)

Any ballot arguments may be withdrawn at any time prior to and including the final date fixed for filing arguments. (§§9163, 9601)

Campaign Disclosure Obligations:

Obtain a copy of Campaign Disclosure Manual 3 – information for Committees Primarily Formed to Support or Oppose a Ballot Measure online at www.fppc.ca.gov/manuals. This manual provides important information on campaign disclosure rules. Proponents should obtain this manual before they begin to circulate petitions.

Please Note: This is only a brief outline, before starting you should thoroughly review the applicable codes and seek the advice of legal counsel regarding wording and content of any proposed referendum petition.